

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-294-01

v.

HONORABLE PAUL L. MALONEY

LARRY JAMES MORGAN,

Defendant.

/

MEMORANDUM OPINION AND ORDER

Defendant Larry James Morgan has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

On July 29, 2013, the defendant was sentenced to 108 months imprisonment and filed a motion for modification of sentence pursuant to 18 U.S.C. 3582(c)(2) on November 3, 2014. Counsel was appointed and the United States Probation Office was ordered to prepare a Sentence Modification Report. Subsequent to the disclosure of report, the parties filed a stipulation

regarding relief pursuant to 18 U.S.C. 3582(c)(2) (ECF No. 70). The parties stipulate to a reduction of sentence consistent with the recommendation of the Probation Office. The Court, however, will not grant a reduction of sentence for this defendant due to his escape from the Bureau of Prisons facility, FCI Loretto, on October 4, 2015. According to the Sentence Modification Report, the defendant was missing from the low security facility for almost 2 hours. The defendant was ultimately found on the perimeter of the facility, trying to re-enter. These actions cannot be overlooked. Accordingly,

IT IS HEREBY ORDERED that Defendant Larry James Morgan's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) and for appointment of counsel (ECF No. 63) is **DENIED**.

Date: December 8, 2015

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge